

EXHIBIT 6

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant.

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)Case No.:

)3:10-cv-03561-WHA

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VIDEOTAPED DEPOSITION OF ADAM B. JAFFE, Ph.D.

San Francisco, California

Thursday, March 10, 2016

Volume 1

Reported by:

RACHEL FERRIER, CSR No. 6948

Job No. 2265294

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1 structure, sequence, and organization of the 37 Java API
2 packages as reflected in the actual code that Google
3 acknowledged it had reproduced.

4 So that's what I'm basing my understanding on.

5 Q All right. Does "Android" include anything else
6 beyond the 37 Java API packages?

7 A Yes.

8 Q That are identified in paragraph 170?

9 A Yes.

10 Q What else is part of "Android"?

11 A Well, I have only a general understanding. I
12 believe there are other APIs other than those 37.
13 There's Linux code, and then there's other code that
14 does all the things you need to do to make a phone work.

15 Q Did you think it was important, for purposes of
16 preparing your opinion, to understand the full scope of
17 what is part of the Android operating system?

18 A In a general sense, yes. In a detailed way, no.

19 Q Have you testified to the full extent of your
20 general understanding of "Android"?

21 A Well, full extent of Android is a pretty broad
22 question.

23 You mean in terms of the structure of the -- the
24 code itself?

25 Q Well, just to be clear --

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1 Q What is your testimony?

2 A I don't know how --

3 Q I'm trying to -- okay.

4 A Okay.

5 Q So let me rephrase. I don't want to confuse you,
6 but -- but you are saying a number of things here that
7 aren't exactly lining up with what you said in your
8 report, and I want to make sure I understand your
9 opinion.

10 A Okay.

11 Q And that's not a question. That's just
12 commentary. You don't need to answer it.

13 But my question to you is this: Do you believe
14 that you are rendering opinions in this case as to
15 whether or not the copying of Java API packages and that
16 use in Android was a major contributor to Android's
17 success?

18 A I am offering the opinion that it was.

19 Q Okay. Thank you.

20 Now, to conclude that that was a major
21 contributor to success, did you do anything to assess
22 whether anything else was a major contributor to
23 Android's success?

24 A So if there's something which appears to have
25 been essential to success, you don't actually -- in

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1 order to conclude that, you don't actually need to know
2 whether there were other things that were also essential
3 or helpful.

4 Nonetheless, it is true that, in my report,
5 because I analyzed the market evolution of Android,
6 there is quite a bit of discussion of how other aspects
7 of Android factored into its success. I didn't do that
8 because it's necessary in order to conclude that the
9 Java infringement was very important, I did it as part
10 of my understanding of the overall context, much of it
11 relates to commercial use, and so it was part of my
12 analysis. I didn't do it because I need that in order
13 to conclude that the infringement was a major
14 contributor.

15 Q But I just want to make sure that I understand
16 the scope of your opinion.

17 Is it fair to say that you have not attempted to
18 assess the relative importance of other factors to
19 Android's success as compared to the factor of the use
20 of the Java APIs?

21 A Well, I think I've answered this.

22 I have not attempted to assess the relative
23 importance of other factors; because if something is
24 essential, it is meaningless to talk about relative
25 importance, even if the other things were also

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4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney or any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.

19
20 Dated: March 11, 2016
21
22

A handwritten signature in black ink, appearing to read 'Rachel Ferrier', is written over a horizontal line.

23
24 RACHEL FERRIER

25 CSR No. 6948